

FILED

JUL - 7 2021

RORY L. PERRY II, CLERK
U.S. District Court
Southern District of West VirginiaUNITED STATES DISTRICT COURT
for the

Southern District of West Virginia

SEALED

United States of America)
 v.)
) Case No.
 CHARLES STANLEY) 2:21-mj-00124
)
)
)

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of May 2019 in the county of Boone and Lincoln in the
Southern District of West Virginia, the defendant(s) violated:

*Code Section**Offense Description*

18 U.S.C. § 1366(b) Destruction of an Energy Facility

This criminal complaint is based on these facts:

See attached affidavit.

Continued on the attached sheet.

Complainant's signature

Anthony S. Perdue, WVSP Sergeant

Printed name and title

Signed and sworn to by telephonic means.

Sworn to before me and signed in my presence.

Date:

July 7, 2021

City and state:

Charleston, West Virginia

Judge's signature

Dwane L. Tinsley, United States Magistrate Judge

Printed name and title

STATE OF WEST VIRGINIA

COUNTY OF KANAWHA, to-wit:

AFFIDAVIT

I, ANTHONY S. PERDUE, being duly sworn, do hereby depose and state as follows:

1. I am a Lieutenant with the West Virginia State Police (“WVSP”) currently assigned to the Professional Standards Division.

2. I have been a sworn member of the WVSP for 22 years. I have received training and routinely work in the area of criminal investigation. I graduated from West Virginia State College (now known as West Virginia State University) with an associate degree in Applied Police Science. I have obtained training in criminal investigations, homicide investigations, drug identification, drug investigation techniques, and have completed a 32-week training course at the WVSP Academy. I have supplemented my training by attending various criminal and drug investigative schools through the WVSP, Bureau of Criminal Investigations (“BCI”). I have been stationed in various locations throughout the southern part of West Virginia since 1999. I have been a BCI drug investigator at the U.S. 119 Task Force. I then was stationed at BCI Charleston, West Virginia and then assigned to the FBI Task Force in Huntington, West Virginia. Later, I served as the U.S. 119 Task Force Coordinator before being promoted to First Sergeant over Logan and Mingo Counties in West Virginia. As an investigator, I regularly participate in investigations conducted by other agencies including FBI, DEA, ATF, and IRS, along with other local agencies. I am a certified law enforcement officer in the state of West Virginia. I have investigated and been involved in the successful prosecution of cases in both federal and state courts.

3. This Affidavit is made in support of an application for a criminal complaint and arrest warrant charging CHARLES STANLEY (“STANLEY”), with a violation of 18 U.S.C. §

1366(b). That statute makes it illegal for any person to knowingly or willfully damage or attempt to damage the property of an energy facility in an amount that in fact exceeds or would if the attempted offense had been completed have exceeded \$5,000.

4. The statements in this Affidavit are based in part on information provided by other investigators, state and local law enforcement officers, witnesses, financial records, as well as my own investigation of this matter. Since this Affidavit is being submitted for the limited purpose of securing a complaint, I have not included every fact known to me concerning this investigation.

BACKGROUND OF INVESTIGATION AND FACTS
ESTABLISHING PROBABLE CAUSE

5. At all times relevant to this Affidavit, ERP Fuels Property, also referred to as Hobet Beth Station plant ("Hobet Coal Mine") is an energy facility which is located across Boone County and Lincoln County, West Virginia, within the Southern District of West Virginia.¹ 18 U.S.C. 1366(c) defines an energy facility as a facility that is involved in the production, storage, transmission, or distribution of electricity, fuel, or another source of energy. Hobet Coal Mine was an energy facility at all times relevant to this Affidavit.

6. In or around May 2019, STANLEY conspired with other individuals to damage the Hobet Coal Mine, an energy facility. Further, during May 2019, STANLEY conspired with other known and unknown individuals to steal, and did in fact steal, numerous specialized pieces of mining equipment from Hobet Coal Mine. These pieces of equipment were valued at thousands of dollars each.

¹ ERP Environmental Fund, Inc. ("ERP") is a West-Virginia non-profit corporation engaged in the reclamation of a significant number of former mining permits. All coal produced by ERP is processed at the Hobet Coal Mine.

7. The thefts committed by STANLEY and his co-conspirators caused over \$5,000 of damage to Hobet Coal Mine. STANLEY and others stole a number of electric circuit breakers and starters that the energy facility used to power the plant, as well as to clean, process, load and transport the coal. The May 2019 thefts severely damaged Hobet Coal Mine. Overall, Hobet Coal Mine lost approximately \$300,000 due to stolen and damaged equipment during this time period. Moreover, as a result of this loss, the mine was forced to shut down the processing facility for two weeks, which resulted in additional loss of \$550,000. Hobet Coal Mine also spent \$18,000 to repair the mine during this time.

8. During the investigation, Stuart Dotson admitted to law enforcement that he was involved in the May 2019 Hobet Coal Mine thefts. Dotson informed law enforcement that STANLEY also participated in these thefts.

9. Roy Bolen is another individual who admitted to law enforcement that he was involved in the May 2019 Hobet Coal Mine thefts. Bolen also informed law enforcement that STANLEY participated in these thefts as well.

10. Earnest Wriston, also admitted to law enforcement that he was involved in the May 2019 Hobet Coal Mine thefts. Wriston informed law enforcement that STANLEY participated in these thefts as well.

11. During the investigation, this Affiant also learned that STANLEY contacted Roy Bolen in August of 2019 and indicated that they (STANLEY and Bolen) could travel to Hobet Coal Mine and steal cooper, breakers or water pumps from the mine again. Law enforcement then worked with Bolen to orchestrate a sting operation in which they laid out mining cable for STANLEY and others to steal from a predetermined location.

12. Later that same day, other law enforcement officers observed STANLEY travel to Hobet Coal Mine with others known to law enforcement. Then, law enforcement officers observed STANLEY and others steal the designated mining cable from Hobet Coal Mine. That day, West Virginia State Police arrested STANLEY and charged him with Grand Larceny at the state level.

13. STANLEY's thefts damaged the property of an energy facility in an amount that exceeded \$5,000 in violation of 18 U.S.C. § 1366(b).

CONCLUSION

14. Based upon all of the information set forth herein, I respectfully submit that this Affidavit contains probable cause to believe that CHARLES STANLEY has committed violations of 18 U.S.C. § 1366(b) and has willfully caused at least \$5,000 of damage to an energy facility.

Further your affiant sayeth naught.

Lt. A.S. Perdue

ANTHONY S. PERDUE
LIEUTENANT
WEST VIRGINIA STATE POLICE

Subscribed and sworn-to by the Affiant telephonically in accordance with the procedures of Rule 4.1 of the Federal Rules of Criminal Procedure, on July 7, 2021.

Dwane L. Tinsley

DWANE L. TINSLEY
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF WEST VIRGINIA